IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

MONDAY, THE TWENTY SECOND DAY OF JANUARY
TWO THOUSAND AND SEVEN

PRESENT

THE HON'BLE MR JUSTICE GODA RAGHURAM

WRIT PETITION No.10473 OF 2006

Between:

Mallareddi Yugandharanagar
Venkatasai Seetharamaiah and another.

..... PETITIONERS

AND

The Revenue Divisional Officer,
West Godavari District, Eluru,
And another.

....RESPONDENTS

THE HONOURABLE SRI JUSTICE
GODA RAGHURAM

WRIT PETITION NO.10473 OF 2006

O R D E R

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The petitioners assail the notification under Section 4(1) of the Land Acquisition Act, 1894 (for short 'the Act'), proposing acquisition of Ac.3-48 cents of the petitioners' lands in Sy.No.107/1 situated in Bommidi village, Ungutur Mandal, West Godavari District for provision of houses to the weaker sections. Urgency clause has been invoked under Section 17 of the Act and enquiry under Section 5-A of the Act has been dispensed with mechanically without due application of mind.

The petitioners assail the notification on several grounds including on the merits of acquisition as also on the ground that there was no rationale for invoking the urgency clause.

The impugned notification states that the acquisition is for the purpose of allotment of house-sites for weaker sections. This requirement is not of such an emergent nature as would justify invocation of the urgency clause and dispensing with the enquiry under Section 5-A of the Act. The enquiry under Section 5-A of the Act is a salutary statutory provision intended for affording a reasonable opportunity to the owners of lands to file objections to the acquisition on any relevant ground as they wish to submit.

In the aforesaid analysis, the respondents are directed to issue a notice to the petitioners calling for their objections to the acquisition proposals. On considering the objections to be

submitted by the petitioners, the competent authority shall pass appropriate orders thereon and take a decision under Section 5-A(2) of the Act. That decision shall be communicated to the petitioners by registered post with acknowledgment due and till then, no further proceedings for acquisition shall be initiated.

The writ petition is disposed of as above at the stage of admission, after hearing the learned counsel for the petitioners and the learned Government Pleader for Land Acquisition. There shall however be no order as to costs.

JUSTICE GODA RAGHURAM

22ND JANUARY, 2007

PGS

THE HONOURABLE SRI JUSTICE
GODA RAGHURAM

WRIT PETITION NO.10473 OF 2006

22ND JANUARY, 2007